

OGC HAS REVIEWED.

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MEMORANDUM

13 August 1947

General Claims
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9K

TO : The Assistant Director for Special Operations

FROM : [REDACTED] Chief, Administration and Services

SUBJECT : Procedure for Handling Claim

1. The attached memorandum from the field setting forth damage in transit to items packed in the CIG warehouse represents a problem which requires a determination of policy by the Assistant Director for Special Operations. Basically, this type of problem has been eliminated by the adoption of the State Department policy of utilizing commercial packers and shippers.



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3. The possibility of increasing the individual's weight allowance as requested in Paragraph 4 of the attached letter, has been discussed with the legal counsels office. The legal counsels office advises that we cannot legally increase the allowances as set forth in the individual's original letter of transfer, as it would be retroactive approval rather than previous authorization. In this case, the individual concerned has utilized all but 30 pounds of the original weight authorized under Public Law 600.

4. Further discussion with the legal counsels office indicates that the individual in this case could, if so inclined, make a claim against the Government for damages which were suffered to his effects. As you note from the tone of the individual's letter, he shows no inclination to make a claim, but should he do so, he would be violating security, as such claims are processed outside CIG in regular Government channels provided for that purpose. The question, therefore, becomes one of policy which may be applied to employees in the particular position of this individual, who seems to have what might be a legitimate claim for personal loss suffered.

a. Should the organization take the attitude that it will handle such claims if, and when, the individual states that he will process a claim through channels opened to him as a Government employee; or

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b. should the organization preclude the individual from taking action outside OSO by setting up machinery to process claims of this nature which, if instituted, would be a violation of security on the part of the individual.

5. Discussion with the legal counsels office indicates that they would object to the utilization of the policy set forth under b, above, on the basis of the reasoning that it would be tantamount to advising individuals to make a claim, such advice being illegal. They state that the policy, to be legal, should be as set forth under a, above, because in Government, an open claim must be made by the individual before the justification of settlement by Special Funds for security reasons can exist.

6. The writer, however, believes that from a standpoint of sound administration and good personnel policy, it would be best to adopt the policy as set forth under b, above, and expand it into a workable mechanism of your approval, and that such a policy could certainly be justified for security reasons. Were such a policy adopted, it would permit any individuals to process just claims without putting themselves in the position of bringing forth the threat of a violation of security before they could hope to have their case considered. Further, it is the belief of the writer, that under such system as set forth in a, above, our better and most loyal employees would suffer loss uncomplainingly in the interest of security and good relationship; whereas, the less desirable and more self-interested employees would force the issue. It is, of course, recognized that the policy under b, above, will call forth numerous unjust claims which will require processing and determination, and rejection. In spite of this, it is felt that a road should be opened for the processing of just claims without possible violation of security.

7. It would be appreciated if you would make a determination as to what policy the Office of Special Operations should adopt in such cases.

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Chief, Administration and Services

Attachment

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